



# United States Department of the Interior

## BUREAU OF LAND MANAGEMENT

Montana State Office

222 North 32nd Street

P.O. Box 36800

Billings, Montana 59107-6800

IN REPLY TO

SDR-92 95-07  
14-20- 56-CA24  
3165.3 922.EB)

July 26, 1995

CERTIFIED--RETURN RECEIPT REQUESTED

### DECISION

Terrol Energy Incorporated  
PO Box 227  
Hygiene, Colorado 80533

SDR No. 922-95-07

### Affirmed

Your letter dated June 7, 1995 (Enclosure 1), requested a State Director Review (SDR) of an order from the Miles City District Office (MCDO) dated May 26, 1995 (Enclosure 2). This order directed Terrol Energy, Inc. (Terrol) to take corrective action to clean up the wellsite and repair the dike for the following location:

#### Well Name

#### Well Location

Mason No. 7-16

SE~~1~~/~~4~~ Sec. 7, T 29 N., R 50 E., Roosevelt  
County, Montana

Terrol was further directed to complete the above actions within 14 days after receipt of the MCDO's letter; i.e., by June 12, 1995.

In our letter dated June 15, 1995 (Enclosure 3), the Montana State Office (MSO) wrote to Terrol asking what relief you were seeking per your SDR request. If you were asserting that you were no longer the operator of this well, this issue had already been considered under SDR-922-95-05, dated May 17, 1995, wherein it was determined that Terrol was the operator of the Mason No. 7-16 well and would remain so until such time as a change of operator request was submitted to, and approved by, the MCDO. If you were objecting to any other part of the MCDO's May 26 letter, you were asked to submit your rationale and any documentation you may have by July 14, 1995. That date has now passed with no response from your office.

We contacted the MCDO on July 25, 1996, to determine if a change of operator request for the Mason No. 7-16 well had been received. No such request was received; we herein affirm the MCDO's order of May 26, 1995.

This Decision may be appealed to the Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR §4.400 and Form 1842-1 (Enclosure 10). If an appeal is taken, a Notice of Appeal must be filed in this office at the aforementioned address within 30 days from receipt of this Decision. A copy of the Notice of Appeal and of any statement of reasons, written arguments, or briefs must also be served on the Office of the Solicitor at the address shown on Form 1842-1 (Enclosure 4). It is also

requested that a copy of any statement of reasons, written arguments, or briefs be sent to this office. The appellant has the burden of showing that the Decision appealed from is in error.

If you wish to file a Petition for a Stay of this Decision, pursuant to 43 CFR §3165.4(c), the Petition must accompany your Notice of Appeal. A Petition for a Stay is required to show sufficient justification based on the standards listed below. Copies of the Notice of Appeal and Petition for a Stay **must** also be submitted to each party named in this Decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR §4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a Decision pending appeal shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied
- (2) The likelihood of the appellant's success on the merits
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay

s/ Thomas P. Lonnie

Thomas P. Lonnie  
Deputy State Director  
Division of Resources

4 Enclosures

- 1-Terrol ltr 6/7/95 (1 p)
- 2-MCDO ltr 5/26/95 (2 pp)
- 3-MSO ltr 6/15/95 (2 pp)
- 4-Form 1842-1

cc: (w/o encls.)  
MCDO

bc: (w/o encls.)  
WO-310, LS, Rm. 406  
AM, GFRA  
DM, Dickinson  
MT-922  
AK SO  
AR SO  
CA SO  
CO SO  
ESO  
ID SO  
NV SO  
NM SO  
OR SO  
UT SO  
WY SO

922:EBurks:ms:7/25/95:342